



General Assembly

January Session, 2017

***Raised Bill No. 1003***

LCO No. 5117



Referred to Committee on JUDICIARY

Introduced by:  
(JUD)

***AN ACT CONCERNING REVISIONS TO VARIOUS STATUTES  
CONCERNING THE CRIMINAL JUSTICE SYSTEM.***

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 19a-343 of the general statutes is repealed and the  
2 following is substituted in lieu thereof (*Effective October 1, 2017*):

3 (a) For the purposes of [sections 19a-343] this section and sections  
4 19a-343a to 19a-343h, inclusive, a person creates or maintains a public  
5 nuisance if such person erects, establishes, maintains, uses, owns or  
6 leases any real property or portion [thereof] of such property for (1)  
7 any of the purposes enumerated in subdivisions (1) to (6), inclusive, of  
8 subsection (c) of this section, or (2) on which any of the offenses  
9 enumerated in subdivisions (1) to (14), inclusive, of subsection (c) of  
10 this section have occurred.

11 (b) The state has the exclusive right to bring an action to abate a  
12 public nuisance under this section and sections 19a-343a to 19a-343h,  
13 inclusive, involving any real property or portion [thereof] of such  
14 property, commercial or residential, including single or multifamily

15 dwellings, provided there have been three or more arrests, the  
16 issuance of three or more arrest warrants indicating a pattern of  
17 criminal activity and not isolated incidents or the issuance of three or  
18 more citations for a violation of a municipal ordinance as described in  
19 subdivision (14) of subsection (c) of this section, for conduct on the  
20 property documented by a law enforcement officer for any of the  
21 offenses enumerated in subdivisions (1) to (14), inclusive, of subsection  
22 (c) of this section [within the three hundred sixty-five days] during the  
23 three-hundred-sixty-five-day period preceding commencement of the  
24 action.

25 (c) Three or more arrests, the issuance of three or more arrest  
26 warrants indicating a pattern of criminal activity and not isolated  
27 incidents or the issuance of three or more citations for a violation of a  
28 municipal ordinance as described in subdivision (14) of this  
29 subsection, for the following offenses shall constitute the basis for  
30 bringing an action to abate a public nuisance:

31 (1) Prostitution under section 53a-82, 53a-83, 53a-86, 53a-87, 53a-88  
32 or 53a-89.

33 (2) Promoting an obscene performance or obscene material under  
34 section 53a-196 or 53a-196b, employing a minor in an obscene  
35 performance under section 53a-196a, importing child pornography  
36 under section 53a-196c, possessing child pornography in the first  
37 degree under section 53a-196d, possessing child pornography in the  
38 second degree under section 53a-196e or possessing child pornography  
39 in the third degree under section 53a-196f.

40 (3) Transmission of gambling information under section 53-278b or  
41 53-278d or maintaining of a gambling premises under section 53-278e.

42 (4) Offenses for the sale of controlled substances, possession of  
43 controlled substances with intent to sell, or maintaining a drug factory  
44 under section 21a-277, 21a-278 or 21a-278a or use of the property by  
45 persons possessing controlled substances under section 21a-279.

46 Nothing in this section shall prevent the state from also proceeding  
47 against property under section 21a-259 or 54-36h.

48 (5) Unauthorized sale of alcoholic liquor under section 30-74 or  
49 disposing of liquor without a permit under section 30-77, or sale or  
50 delivery of alcoholic liquor to any minor under subdivision (1) of  
51 subsection (b) of section 30-86 or the sale, delivery or giving of alcoholic  
52 liquor to a minor under subdivision (2) of subsection (b) of section 30-  
53 86.

54 (6) Maintaining a motor vehicle chop shop under section 14-149a.

55 (7) Inciting injury to persons or property under section 53a-179a.

56 (8) Murder or manslaughter under section 53a-54a, 53a-54b, 53a-55,  
57 53a-56 or 53a-56a.

58 (9) Assault under section 53a-59, 53a-59a, subdivision (1) of  
59 subsection (a) of section 53a-60 or section 53a-60a or 53a-61.

60 (10) Sexual assault under section 53a-70 or 53a-70a.

61 (11) Fire safety violations under section 29-292, subsection (b) of  
62 section 29-310, or section 29-315, 29-320, 29-329, 29-337, 29-349 or 29-  
63 357.

64 (12) Firearm offenses under section 29-35, 53-202aa, 53-203, 53a-211,  
65 53a-212, 53a-216, 53a-217 or 53a-217c.

66 (13) Illegal manufacture, sale, possession or dispensing of a drug  
67 under subdivision (2) of section 21a-108.

68 (14) Violation of a municipal ordinance resulting in the issuance of a  
69 citation for (A) excessive noise on nonresidential real property that  
70 significantly impacts the surrounding area, provided the  
71 municipality's excessive noise ordinance is based on an objective  
72 standard, (B) owning or leasing a dwelling unit that provides residence

73 to an excessive number of unrelated persons resulting in dangerous or  
74 unsanitary conditions that significantly impact the safety of the  
75 surrounding area, or (C) impermissible operation of (i) a business that  
76 permits persons who are not licensed pursuant to section 20-206b to  
77 engage in the practice of massage therapy, or (ii) a massage parlor, as  
78 defined by the applicable municipal ordinance, that significantly  
79 impacts the safety of the surrounding area.

80 Sec. 2. Subsection (b) of section 21a-283 of the general statutes is  
81 repealed and the following is substituted in lieu thereof (*Effective*  
82 *October 1, 2017*):

83 (b) The Division of Scientific Services within the Department of  
84 Emergency Services and Public Protection shall establish the standards  
85 for analytical tests to be conducted with respect to controlled drugs, or  
86 with respect to body fluids believed to contain alcohol, by qualified  
87 professional toxicologists and chemists operating under the division's  
88 direction and shall have the general responsibility for supervising such  
89 analytical personnel in the performance of such tests. The original  
90 report of an analysis made by such analytical personnel of the Division  
91 of Scientific Services or by a qualified toxicologist, pathologist or  
92 chemist of a laboratory of the United States Bureau of Narcotics shall  
93 be signed and dated, either by hand or electronically, by the analyst  
94 actually conducting the tests and shall state the nature of the analytical  
95 tests or procedures, the identification and number of samples tested  
96 and the results of the analytical tests. A copy of such report certified by  
97 the analyst shall be received in any court of this state as competent  
98 evidence of the matters and facts therein contained at any hearing in  
99 probable cause, pretrial hearing or trial. If such copy is to be offered in  
100 evidence at a trial, the attorney for the state shall send a copy thereof,  
101 by certified mail, to the attorney of the defendant who has filed an  
102 appearance of record or, if there is no such attorney, to the defendant if  
103 such defendant has filed an appearance pro se, and such attorney or  
104 defendant, as the case may be, shall, [within] not later than five days  
105 [of] after the receipt of such copy, notify the attorney for the state, in

106 writing, if such attorney or defendant intends to contest the  
107 introduction of such certified copy. No such trial shall commence until  
108 the expiration of such five-day period and, if such intention to contest  
109 has been filed, the usual rules of evidence shall obtain at such trial.

110 Sec. 3. Section 53-39a of the general statutes is repealed and the  
111 following is substituted in lieu thereof (*Effective October 1, 2017*):

112 Whenever, in any prosecution of [an officer of the Division of State  
113 Police within the Department of Emergency Services and Public  
114 Protection, or a member of the Office of State Capitol Police or] any  
115 member of a law enforcement unit, as defined in section 7-294a, any  
116 person appointed under section 29-18 as a special policeman for the  
117 State Capitol building and grounds, the Legislative Office Building  
118 and parking garage and related structures and facilities, and other  
119 areas under the supervision and control of the Joint Committee on  
120 Legislative Management, or [a local police department] any inspector  
121 in the Division of Criminal Justice for a crime allegedly committed by  
122 such [officer] member, person or inspector in the course of [his] duty,  
123 [as such,] the charge is dismissed or the [officer] member, person or  
124 inspector found not guilty, such [officer] member, person or inspector  
125 shall be indemnified by [his] such member's, person's or inspector's  
126 employing governmental unit for economic loss sustained by [him]  
127 such member, person or inspector as a result of such prosecution,  
128 including the payment of attorney's fees and costs incurred during the  
129 prosecution and the enforcement of this section. Such [officer]  
130 member, person or inspector may bring an action in the Superior Court  
131 against such employing governmental unit to enforce the provisions of  
132 this section.

133 Sec. 4. Section 53a-28a of the general statutes is repealed and the  
134 following is substituted in lieu thereof (*Effective October 1, 2017*):

135 All financial obligations ordered pursuant to subsection (c) of  
136 section 53a-28 may be enforced in the same manner as a judgment in a

137 civil action by the party or entity to whom the obligation is owed. Such  
138 obligations may be enforced at any time during the [ten-year] twenty-  
139 year period following the offender's release from confinement or  
140 [within ten] not later than twenty years [of] after the entry of the order  
141 and sentence, whichever is longer.

142 Sec. 5. Section 53a-214 of the general statutes is repealed and the  
143 following is substituted in lieu thereof (*Effective October 1, 2017*):

144 (a) [A landlord of a] An owner, lessor or sublessor of any dwelling  
145 unit subject to the provisions of chapter 830 [ , an owner of such a unit]  
146 or any commercial premises or property, or the agent of such [landlord  
147 or] owner, lessor or sublessor is guilty of criminal lockout when,  
148 without benefit of a court order, [he] such owner, lessor or sublessor or  
149 agent deprives a [tenant, as defined in subsection (l) of section 47a-1,]  
150 lessee, sublessee or person entitled under a rental agreement to occupy  
151 such dwelling unit or such premises or property to the exclusion of  
152 others of access to [his dwelling unit or his] such dwelling unit or  
153 premises or property or his or her personal possessions.

154 (b) Criminal lockout is a class C misdemeanor.

155 Sec. 6. Section 53a-123 of the general statutes is repealed and the  
156 following is substituted in lieu thereof (*Effective October 1, 2017*):

157 (a) A person is guilty of larceny in the second degree when he  
158 commits larceny, as defined in section 53a-119, and: (1) The property  
159 consists of a motor vehicle, the value of which exceeds ten thousand  
160 dollars, (2) the value of the property or service exceeds ten thousand  
161 dollars, (3) the property, regardless of its nature or value, is taken from  
162 the person of another, (4) the property is obtained by defrauding a  
163 public community, and the value of such property is two thousand  
164 dollars or less, (5) the property, regardless of its nature or value, is  
165 obtained by embezzlement, false pretenses or false promise and the  
166 victim of such larceny is sixty years of age or older, or is a conserved  
167 person, as defined in section 45a-644, or is blind or physically disabled,

168 as defined in section 1-1f, or (6) the property, regardless of its value,  
169 consists of wire, cable or other equipment used in the provision of  
170 telecommunications service and the taking of such property causes an  
171 interruption in the provision of emergency telecommunications  
172 service.

173 (b) For purposes of this section, "motor vehicle" means any motor  
174 vehicle, construction equipment, agricultural tractor or farm  
175 implement or major component part of any of the above. In any  
176 prosecution under subdivision (1) of subsection (a) of this section,  
177 evidence of (1) forcible entry, (2) forcible removal of ignition, or (3)  
178 alteration, mutilation or removal of a vehicle identification number  
179 shall be prima facie evidence (A) that the person in control or  
180 possession of such motor vehicle knows or should have known that  
181 such motor vehicle is stolen, and (B) that such person possesses such  
182 motor vehicle with larcenous intent.

183 (c) Larceny in the second degree is a class C felony.

184 Sec. 7. Section 54-86d of the general statutes is repealed and the  
185 following is substituted in lieu thereof (*Effective October 1, 2017*):

186 Any person who has been the victim of a sexual assault under  
187 section 53a-70, 53a-70a, 53a-70b, 53a-71, 53a-72a, 53a-72b or 53a-73a,  
188 voyeurism under section 53a-189a, or injury or risk of injury, or  
189 impairing of morals under section 53-21, or of an attempt thereof, or  
190 family violence, as defined in section 46b-38a, shall not be required to  
191 divulge his or her address or telephone number during any trial or  
192 pretrial evidentiary hearing arising from the sexual assault, voyeurism  
193 or injury or risk of injury to, or impairing of morals of, a child, or  
194 family violence; provided the judge presiding over such legal  
195 proceeding finds: (1) Such information is not material to the  
196 proceeding, (2) the identity of the victim has been satisfactorily  
197 established, and (3) the current address of the victim will be made  
198 available to the defense in the same manner and time as such

199 information is made available to the defense for other criminal  
200 offenses.

201 Sec. 8. Section 54-86e of the general statutes is repealed and the  
202 following is substituted in lieu thereof (*Effective October 1, 2017*):

203 The name and address of the victim of a sexual assault under  
204 section 53a-70, 53a-70a, 53a-70b, 53a-71, 53a-72a, 53a-72b or 53a-73a,  
205 voyeurism under section 53a-189a, or injury or risk of injury, or  
206 impairing of morals under section 53-21, or of an attempt thereof, or  
207 family violence, as defined in section 46b-38a and such other  
208 identifying information pertaining to such victim as determined by the  
209 court, shall be confidential and shall be disclosed only upon order of  
210 the Superior Court, except that (1) such information shall be available  
211 to the accused in the same manner and time as such information is  
212 available to persons accused of other criminal offenses, and (2) if a  
213 protective order is issued in a prosecution under any of said sections,  
214 the name and address of the victim, in addition to the information  
215 contained in and concerning the issuance of such order, shall be  
216 entered in the registry of protective orders pursuant to section 51-5c.

217 Sec. 9. Section 2 of public act 11-252, as amended by section 3 of  
218 public act 12-111 and section 11 of public act 14-233, is repealed and  
219 the following is substituted in lieu thereof (*Effective from passage*):

220 (a) There is established an Eyewitness Identification and Emerging  
221 Technologies Task Force to [study issues concerning eyewitness  
222 identification in criminal investigations and the use of sequential live  
223 and photo lineups. The task force shall examine: (1) The science of  
224 sequential methods of conducting a live lineup and a photo lineup, (2)  
225 the use of sequential lineups in other states, (3) the practical  
226 implications of a state law mandating sequential lineups, and (4) such  
227 other topics as the task force deems appropriate relating to eyewitness  
228 identification and the provision of sequential lineups] assist the Police  
229 Officer Standards and Training Council and the Division of State



230 Police within the Department of Emergency Services and Public  
231 Protection in the development of policies and guidelines for law  
232 enforcement agencies concerning (1) eyewitness identification  
233 procedures, (2) the use of other emerging technologies to promote  
234 effective law enforcement and preventive measures to preclude the use  
235 of such technologies for criminal purposes, and (3) such other topics  
236 related to eyewitness identification and emerging technologies as the  
237 task force deems appropriate.

238 (b) The task force shall consist of the following members or their  
239 designees: The chairpersons and ranking members of the joint  
240 standing committee of the General Assembly on the judiciary; the  
241 Chief State's Attorney; the Chief Public Defender; the Victim Advocate;  
242 an active or retired judge appointed by the Chief Justice of the  
243 Supreme Court; a municipal police chief appointed by the president of  
244 the Connecticut Police Chiefs Association; the director of the Division  
245 of Scientific Services within the Department of Emergency Services  
246 and Public Protection; a representative of the Police Officer Standards  
247 and Training Council; a representative of the State Police Training  
248 School appointed by the Commissioner of Emergency Services and  
249 Public Protection; a representative of the criminal defense bar  
250 appointed by the president of the Connecticut Criminal Defense  
251 Lawyers Association; a representative from the Connecticut Innocence  
252 Project; and six public members, including the dean of a law school  
253 located in this state and a social scientist, appointed one each by the  
254 president pro tempore of the Senate, the speaker of the House of  
255 Representatives, the majority leader of the Senate, the majority leader  
256 of the House of Representatives, the minority leader of the Senate, and  
257 the minority leader of the House of Representatives.

258 (c) The task force may solicit and accept gifts, donations, grants or  
259 funds from any public or private source to assist the task force in  
260 carrying out its duties.

261 (d) The task force shall report its findings and recommendations to

262 the joint standing committee of the General Assembly on the judiciary  
263 in accordance with section 11-4a of the general statutes [not later than  
264 April 1, 2012] as the task force deems appropriate.

265 [(e) After submitting the report required under subsection (d) of this  
266 section, the task force shall continue in existence for the purpose of (1)  
267 assisting the Police Officer Standards and Training Council and the  
268 Division of State Police within the Department of Emergency Services  
269 and Public Protection in the development of policies and guidelines for  
270 the conducting of eyewitness identification procedures by law  
271 enforcement agencies as required by subsection (b) of section 54-1p of  
272 the general statutes, (2) researching and evaluating best practices in the  
273 conducting of eyewitness identification procedures as such practices  
274 may change from time to time, and recommending such revised best  
275 practices to the Police Officer Standards and Training Council and the  
276 Division of State Police within the Department of Emergency Services  
277 and Public Protection, (3) collecting statistics concerning the  
278 conducting of eyewitness identification procedures by law  
279 enforcement agencies, and (4) monitoring the implementation of  
280 section 54-1p of the general statutes. The task force shall report the  
281 results of such monitoring, including any recommendations for  
282 proposed legislation, to the joint standing committee of the General  
283 Assembly on the judiciary in accordance with section 11-4a of the  
284 general statutes not later than February 5, 2014.

285 (f) After submitting the report required under subsection (e) of this  
286 section, the task force may continue in existence until June 30, 2016, for  
287 the purpose set forth in subdivision (3) of subsection (e) of this section,  
288 to collect and assist in the archiving of eyewitness identification  
289 procedures used by law enforcement agencies in this state, and to  
290 consider best practices in eyewitness identification procedures adopted  
291 by law enforcement agencies in other states, provided members of the  
292 task force and advisors to the task force shall receive no compensation  
293 for their services.]

294        Sec. 10. Section 51-279e of the general statutes is repealed. (*Effective*  
295        *July 1, 2017*)

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2017</i>	19a-343
Sec. 2	<i>October 1, 2017</i>	21a-283(b)
Sec. 3	<i>October 1, 2017</i>	53-39a
Sec. 4	<i>October 1, 2017</i>	53a-28a
Sec. 5	<i>October 1, 2017</i>	53a-214
Sec. 6	<i>October 1, 2017</i>	53a-123
Sec. 7	<i>October 1, 2017</i>	54-86d
Sec. 8	<i>October 1, 2017</i>	54-86e
Sec. 9	<i>from passage</i>	PA 11-252, Sec. 2
Sec. 10	<i>July 1, 2017</i>	Repealer section

***Statement of Purpose:***

To (1) make technical and other changes to the statute permitting state action to abate public nuisance; (2) provide for the use of electronic signatures in certain reports; (3) ensure that all law enforcement professionals who work for the state or a municipality are covered for purposes of indemnification; (4) make restitution orders in criminal cases enforceable for the same duration as in civil matters; (5) provide for criminal lockout protection to tenants of nonresidential properties; (6) provide an enhanced penalty for victims of larceny who have been deemed incapable by the probate court; (7) correct statutory citations; (8) update the purpose of the eyewitness identification task force to include emerging technologies; and (9) repeal a reporting requirement duplicative of the reporting requirement of section 17b-99b of the general statutes.

*[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]*